

REMARKS

This Reply and Amendment is intended to be completely responsive to the Final Office Action dated March 14, 2006. Claims 1-34 are pending in this Application. Claims 8-9, 12-14, 18-19, 22-25, 31-32 and 34 are withdrawn. Claims 1-5, 7, 10, 15-17, 20-21, 26, 28-30 and 33 stand rejected.

Upon entry of this Amendment, independent Claims 1, 10, 20 and 28 will be amended. The Applicants respectfully request entry of the Amendment and reconsideration and allowance of the pending claims.

Request to Withdraw Finality of Office Action

The Applicants respectfully request withdrawal of the finality of the Office Action dated March 14, 2006. In the Office Action, the Examiner stated the "Applicant's amendment in the response filed 07/05/05 necessitated the new ground(s) of rejection presented in this Office action."

The Applicants had submitted amended claims on October 12, 2005, November 14, 2005, December 14, 2005, and February 7, 2006 all in an attempt to put the pending claims in condition for allowance based on claims that the Examiner had indicated to be allowable. The Examiner has now withdrawn the indicated allowable subject matter in view of newly cited references that provide a new ground of rejection. The Applicants respectfully submit that the new ground of rejection was not necessitated by the Applicant's amendment, and in fact, the Applicants amendments were intended to place the claims in condition for allowance based on subject matter that had previously been indicated to be allowable. See M.P.E.P. § 706.07(a), (d) (e).

Accordingly, the Applicants respectfully request withdrawal of the finality of the Office Action and entry of this Amendment.

Claim Rejections – 35 U.S.C. § 103(a)

In Section 4, the Examiner rejected Claims 1-5, 7, 10, 16, 17, 20, 21, 26, 28-30 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Huston et al. (3,252,489) in view of White (2,910,804).

Huston et al. shows a “cap 32, hollowed out on its inner face as at 34 so as to snugly fit over the ball portion 30 of the knife 20, is removable secured to the axe handle 12 closing the open end of the bore 16” (see col. 2, lines 1-4). Accordingly, the Applicants submit that knife of Huston et al. is retained hidden within the handle by an enclosure formed by a cap, and Huston et al. does not disclose, teach or suggest retention of the knife by a combination of a first magnet having a first polarity and a second magnet having a second polarity arranged for magnetic attraction to one another..

White shows a “holder so designed and constructed to utilize the principles of magnetic attraction between metals for holding a pistol, gun or toy knife” (col. 1, lines 27-30) where “the magnetic attraction between the metallic plate member 38 and the magnet member 40 in the knife will retain the knife on holster member 30” (col. 3, lines 14-16). Accordingly, the Applicants submit that White discloses only a magnet on a knife and does not disclose, teach or suggest retention of the knife by a combination of a first magnet having a first polarity and a second magnet having a second polarity arranged for magnetic attraction to one another.

Independent Claim 1

Claim 1 is in independent form. Independent Claim 1 (as amended) is directed to a “retention system for a hand tool combination” comprising, among other elements, a “first magnet having a first polarity coupled to the non-metallic axe handle” and a “second magnet having a second polarity coupled to the non-metallic tool handle of the secondary tool” so that “the secondary tool is retained in connection with the axe in a position with an end of the tool handle substantially flush with an end of the axe handle.” The Applicants submit that the “retention system for a hand tool combination” as now recited in Claim 1 (as amended) is not

disclosed, taught or suggested by Huston et al. alone or in any proper combination with White.

The subject matter recited in Claim 1 (as amended), considered as a whole, would not have been obvious based on Huston et al. in view of White under 35 U.S.C. § 103(a). The Applicants respectfully request reconsideration and allowance of Claim 1 (as amended) and dependent Claims 2-7 as they depend from independent Claim 1 (as amended).

Independent Claim 10

Claim 10 is in independent form. Independent Claim 10 (as amended) is directed to a “combination hand tool” comprising, among other elements, a “first magnet having a first polarity coupled to the non-metallic handle of the axe” and a “second magnet having a second polarity opposite the first polarity and coupled to a non-metallic handle of the secondary hand tool and configured to operably engage the first magnet” with “the secondary hand tool being retainable within the receptacle with an end of the non-metallic handle of the axe substantially even with an end of the non-metallic handle of the secondary tool by a magnetic force.” The Applicants submit that the “combination hand tool” as now recited in Claim 10 (as amended) is not disclosed, taught or suggested by Huston et al. alone or in any proper combination with White.

The subject matter recited in Claim 10 (as amended), considered as a whole, would not have been obvious based on Huston et al. in view of White under 35 U.S.C. § 103(a). The Applicants respectfully request reconsideration and allowance of Claim 10 (as amended) and dependent Claims 15-17 as they depend from independent Claim 10 (as amended).

Independent Claim 20

Claim 20 is in independent form. Independent Claim 20 (as amended) is directed to a “system for storing an object in connection with a camp axe” comprising, among other elements, a “first retainer having a first magnet with a first polarity coupled to the object” and a “second retainer having a second magnet with a second polarity coupled to the camp axe, the second magnet configured to attract the first magnet by a magnetic attraction” so that “the

first retainer and the second retainer are operable to retain the object in connection with the camp axe in a position with an end of the object substantially coplanar with an end of the camp axe until the object is removed by overcoming the magnetic attraction.” The Applicants submit that the “system for storing an object in connection with a camp axe” as now recited in Claim 20 (as amended) is not disclosed, taught or suggested by Huston et al. alone or in any proper combination with White.

The subject matter recited in Claim 20 (as amended), considered as a whole, would not have been obvious based on Huston et al. in view of White under 35 U.S.C. § 103(a). The Applicants respectfully request reconsideration and allowance of Claim 20 (as amended) and dependent Claims 21 and 26 as they depend from independent Claim 20 (as amended).

Independent Claim 28

Claim 28 is in independent form. Independent Claim 28 (as amended) is directed to an “apparatus” comprising, among other elements, a “retention system having a first magnet with a first polarity coupled to an interior portion of a non-metallic handle of the first cutting tool and a second magnet with a second polarity coupled to an exterior portion of a non-metallic handle of the second cutting tool, where the first polarity and the second polarity are configured for magnetic attraction, so that the second cutting tool is retained within the receptacle in a position where the ends of the first cutting tool and the second cutting tool are substantially even until removed by a user.” The Applicants submit that the “apparatus” as now recited in Claim 28 (as amended) is not disclosed, taught or suggested by Huston et al. alone or in any proper combination with White.

The subject matter recited in Claim 28 (as amended), considered as a whole, would not have been obvious based on Huston et al. in view of White under 35 U.S.C. § 103(a). The Applicants respectfully request reconsideration and allowance of Claim 28 (as amended) and dependent Claims 29-30 and 33 as they depend from independent Claim 28 (as amended).

* * *

The Applicants respectfully submit that each and every outstanding rejection to the pending claims has been overcome, and the Application is in condition for allowance. Upon entry of this Amendment, independent Claims 1, 10, 20 and 28 will be amended. The Applicants submit that the pending claims are all in condition for allowance and respectfully request entry of the Amendment and reconsideration and allowance of the pending claims.

* * *

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that a telephone interview or an Examiner's Amendment would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this patent application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 5/12/2006

By 

John M. Lazarus
Attorney for the Applicants
Registration No. 48,367

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5591
Facsimile: (414) 297-4900